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SIPDIS

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SUBJECT: DRC: TAKING ACTION AGAINST GENDER-  
BASED VIOLENCE

11. (SBU) Summary: During the UN 16 Days of Activism Campaign Against Gender-Based Violence, embassy personnel participated in several events. USAID Social Protection Officer spoke at the Protestant University of Congo and CALI (Congolese-American Language Institute) English clubs about Sexual and Gender-Based Violence (SGBV) on November 29 and December 3 and appeared on a local Congolese television program dedicated to violence against women December 11. Poloff attended the screening of the American-directed documentary "The Greatest Silence" at Parliament December 11. The USG supports a variety of programs addressing acute SGBV in eastern DRC and other parts of the country. The Congolese Law Against Sexual and Gender-Based Violence, passed in 2006, criminalizes rape and other forms of SGBV however the GDRC does not effectively enforce the law. Widespread impunity contributes to the prevalence of SGBV. Reports of cases perpetrated by GDRC security forces, rebel groups and civilians are on the rise. Despite instances of increased GDRC actions to prosecute and convict perpetrators within the constraints of the existing institutions, there will not be a reduction in the rate of SGBV without a concerted national effort to build up the Congolese judicial system. End Summary

Embassy Activities during the 16 Days of Activism  
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12. (U) USAID Social Protection Officer spoke to the Protestant University of Congo's English Club about sexual violence Saturday, November 29. The Officer gave a presentation on SGBV which generated a lively discussion amongst the group of English Club participants numbering over 50. Specific issues debated included the rule of law, insecurity and protection, domestic violence, the needs of SGBV survivors, and the consequences of SGBV on individuals, families, and communities. The Officer provided an overview of USG assistance combating SGBV in the DRC and the impact of USG programs.

13. (U) The Officer also spoke to 20 students of the English Club at the Congolese American Language Institute (CALI) December 3. After a brief presentation about SGBV and USG prevention programs and assistance to survivors, she responded to questions about domestic violence, rape, women's rights, the rule of law, and USG foreign assistance for activities to protect women and children.

14. (U) The Officer was a guest speaker December 11 on the Congolese television program Let's Speak English and responded to questions about SGBV, women's rights, and USG programming in the DRC. Officer spoke about the legal rights of women, protecting minors from sexual violence and abuse, and USG-supported activities in Eastern DRC to respond to extreme SGBV. The 30-minute program was dedicated entirely to violence against women.

¶5. (U) Poloff attended the December 11 screening of "The Greatest Silence," a film by American director Lisa Jackson, at Parliament. The film is a documentary on rape in the DRC. She presented copies to National Assembly President Vital Kamerhe and Senate President Leon Kengo wa Dondo as well as parliamentarians from both houses of Parliament. Subsequent to the screening, Poloff and Social Protection Officer met with Jackson December 15 to discuss SGBV. Jackson presented Poloff with a complimentary DVD copy of the film for the purpose of an Embassy screening in 2009.

#### SGBV Prevalence and Existing Legislation

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¶6. (U) Government security forces, armed groups, and civilians continue to perpetrate widespread rape against women and girls in the DRC. Prosecutions for rape and other types of sexual violence remain rare. Both survivors and NGO's cite impunity as the main reason for sexual violence. Most survivors do not have sufficient confidence in the justice system to pursue formal legal action or fear subjecting themselves to further humiliation and possible reprisal. Access to care and treatment services for SGBV survivors can also be difficult in hard-to-reach locations and conflict-prone areas.

¶7. (U) SGBV in the DRC is frequently perpetrated against children, with high incidences of rape of young girls reported in Ituri and Maniema provinces. The rape of a child or an adult is generally seen to be a problem of the survivor (who may well be blamed for it, particularly if above the age of 12 or so) and her family. Rape is not seen as a community issue that requires action to improve the

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safety of women and girls.

¶8. (U) The rise in media coverage of the brutal nature of sexual violence in eastern Congo has led many to conclude that incidents of rape are increasing despite a decline in conflict in some areas, such as Ituri District and Maniema. Cases of extreme sexual violence and other atrocities have been increasingly documented in Eastern Congo, particularly in North Kivu, where ongoing conflict, high levels of physical insecurity, and population displacement continue at an elevated level since August 2008. Such cases include gang rapes, mutilation of genitalia, and rape-shooting or rape-stabbing combinations, and other forms of torture, often with family members forced to watch. Because of the brutality of these SGBV acts, rape in eastern Congo is largely perceived as a weapon of war used to subdue, humiliate and punish local populations. The perpetrators of SGBV in these conflict-affected areas include all armies, militias and gangs implicated in the conflict and operating in eastern Congo, but also include local civilians.

¶9. (U) While most of the recorded attacks have been by the various militias and the FARDC, rape by civilians is reported to be on the rise. Sexual and gender-based violence perpetrated by members of armed groups and civilians is exacerbated by the prevalence of impunity. In a recent report, the UN Human Rights Integrated Office in the DRC (UNHRO) states that despite strengthened laws on sexual violence "law enforcement personnel and magistrates continue to treat rape and sexual violence in general with a marked lack of seriousness. Consequently, men accused of rape are often granted bail or given relatively light sentences and out-of-court settlements of sexual violence cases are widespread." Few cases are reported to the police, and fewer still result in prosecution.

¶10. (U) Congolese law criminalizes rape, but the government does not effectively enforce this law. Rape is common throughout the country and especially pervasive in areas of conflict in the east; however, there are no comprehensive statistics available regarding its frequency. Legislation enacted in 2006 broadened the definition of rape to include male survivors, sexual slavery, sexual harassment, forced pregnancy, and other sexual crimes not previously covered by law. It also increased penalties for sexual violence, prohibited compromise fines, allowed survivors of sexual violence to waive appearance in court, and permitted closed hearings to protect confidentiality. The law neither mentions sexual violence in

marriage nor prohibits spousal rape. The minimum penalty prescribed for rape is a prison sentence of five years.

#### USG SGBV Prevention and Response Programs

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¶11. (U) The United States Government is a major bilateral donor to SGBV programs in the DRC. USG-funded programs, managed by USAID and the Department of State, improve access to care and treatment services for survivors, fight impunity for perpetrators through support for legal reform and judicial system strengthening, and promote community awareness of and response to SGBV.

¶12. (U) Since 2002, USAID has been supporting SGBV programs through care and treatment for survivors and prevention activities. USAID support has assisted more than 100,000 survivors and their families in four provinces. USAID Social Protection programs provide care and treatment services for SGBV survivors, including access to medical care, counseling and family mediation, and social and economic reintegration support. Community awareness activities educate and mobilize local communities, including traditional leaders and women's groups, to promote women's rights, acceptance of rape survivors, and protection of the whole community. USAID Democracy and Governance programs diminish impunity through legal reforms, advocacy, and legal services to survivors, including promotion of the 2006 Law Against Sexual and Gender-Based Violence, women's rights, and access to mobile courts. USAID Office of Foreign Disaster Assistance (OFDA) supports emergency health projects in North Kivu, including medical services for Internally Displaced Persons (IDP's) and SGBV survivors.

¶13. (U) On December 16, USAID signed a \$5 million, three-year cooperative agreement with the international NGO Cooperazione Internazionale (COOPI). The agreement responds to the needs of SGBV survivors in the eastern provinces of Orientale (Ituri District) and Maniema, areas which continue to experience a high level of SGBV despite relative stability compared to other provinces. The new

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award will build upon the past success of COOPI SGBV programming. The project addresses physical, psychological, and economic needs of SGBV survivors, with a particular focus on minors and women pregnant as a result of rape. In addition, the project strengthens community response to SGBV to prevent future acts of violence.

¶14. (U) Through the Bureau for Democracy, Human Rights, and Labor (DRL), the Bureau for Population, Refugees, and Migration (PRM), and U.S. Embassy Kinshasa, the Department of State has taken an active role in addressing SGBV in the DRC. DRL-supported projects promote human rights, provide legal services to SGBV survivors, and build the capacity of local NGO's, justice sector and law enforcement personnel, and the media. PRM activities provide counseling support and medical care to refugees, many of whom are survivors of SGBV, in Katanga and South Kivu Provinces. The Department (AF/RSA) funded a program with the Defense International Institute for Legal Studies (DIILS) in collaboration with United Nations Peacekeeping Mission in Congo (MONUC) to build sex crimes investigation capacity within the DRC's military justice system. Post's Democracy and Human Rights Fund provides small grants on an annual basis to local organizations funding economic and legal support to SGBV survivors, and the Public Diplomacy section has sponsored a series of SGBV workshops and music recordings.

¶15. (SBU) Comment: The problem of SGBV in the DRC is well documented. With USG and other donor assistance, many international and local NGOs have worthy programs that provide much needed assistance to survivors and their families. However, with the weakness of the Congolese justice system and the prevailing aura of impunity, the problem of SGBV continues. An October 17 New York Times article cited positive GDRC responses to the epidemic of SGBV, namely increased prosecutions and convictions by police and military tribunals. The article also noted the prominent role of irregular armed groups, in addition to the armed forces, in the commission of SGBV. The screening of the documentary left a strong impression on many parliamentarians. They did not realize the impact that SGBV has on their country until they saw the horrors of SGBV on the big

screen. It remains to be seen, however, whether the film will have a lasting impact on the parliamentarians, and whether other efforts to address this issue will provide an impetus to further security sector and justice sector reforms. End Comment.

GARVELINK